

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff,

v.

ORDER

02-C-618-C

GARY R. McCAUGHTRY, GERALD BERGE,
PAULINE BELGADO, SARGENT SIEDOSCHLAG,
PETER HUIBREGTSE, LINDA HODDY-TRIPP,
JIM WEGNER, SARGENT LIND, CAPTAIN JOHN P
GRAHL, SARGENT DAN MEEHAN, CO II MIKE
GLAMAN, NURSE HOLLY MEIER, PAM BARTELS,
TODD BAST and STEVEN SCHOELER

Defendants.

For reasons I cannot explain, plaintiff Franklin has written a letter postmarked December 18, 2007, asking for a second time that this court order the Department of Corrections to refrain from deducting from his trust fund account fees he owes for appeal no. 04-1672, which he filed in this case in March of 2004. Plaintiff argues that in March of 2004, the fee for filing an appeal was \$105, not \$255, yet \$255 is being collected from his account. This is precisely the argument plaintiff advanced in a letter dated April 24,

2007, and that I found meritless in order dated May 1, 2007. As I told plaintiff in the May 1 order, 28 U.S.C. § 1913 provides that the fees and costs to be charged and collected in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. At its September 2003 session, the Judicial Conference increased the fee for filing an appeal from \$105 to \$255 effective November 1, 2003. several months before plaintiff filed his appeal in 2004. Therefore, the \$255 fee plaintiff has been assessed for filing his appeal in this case is not in error.

ORDER

IT IS ORDERED that plaintiff's second request for an order directing the Department of Corrections to refrain from collecting \$255 from his trust fund account to pay the filing fees for appeal no. 04-1672 is DENIED.

Entered this 26th day of December, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge